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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,240	09/22/2006	Yasuji Saito	S108-P06625US	6153
33356 7590 09/23/2008 SoCAL IP LAW GROUP LLP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362			EXAMINER VO, NGUYEN THANH	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 09/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,240	Applicant(s) SAITO ET AL.	
	Examiner NGUYEN VO	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, the recitation "the attenuation rate setting unit sets the attenuation rate of the attenuating unit depending on: at least one signal of a second signal indicating a change in an envelope curve acquired based on an intermediate frequency signal of the received signal and a third signal indicating electric field intensity acquired based on the intermediate frequency signal; and the first signal" renders the claim indefinite, because it not clear whether the above recitation refers to the fact that (i) the attenuation rate depends on the first signal, or the second signal, or the third signal, or the fact that (ii) the attenuation rate depends on the first signal, and one of the second signal and the third signal. Correction is requested.

For the purpose of examination, claim 1 is treated as if it were to recite that the attenuation rate depends on the first signal, and one of the second signal and the third signal.

As to claim 2, the recitation "a **difference** of intensity of the demodulated signal having a predetermined time **difference** to detect noise" renders the claim indefinite because it is not clear as to what the difference is actually referred to.

As to claim 5, the recitation "to add and output" renders the claim indefinite because it is not clear as to what is being added and outputted.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishikawa (4,864,637).

As to claim 1, Ishikawa discloses in figure 3 a signal processing circuit comprising an attenuating unit 52 (see column 2 lines 6-7 which discloses that the VCA is an attenuator) that attenuates a demodulated signal acquired by detecting a received signal (the output of demodulator 46 is a demodulated signal); a detecting unit 61 that detects a first signal indicating intensity of the demodulated signal (see column 7 lines 5-10); and an attenuation rate setting unit that sets an attenuation rate of the attenuating unit based on the first signal (inherently included because the attenuator 52 is a variable attenuator), wherein the attenuation rate setting unit sets the attenuation rate of the attenuating unit depending on a third signal indicating electric field intensity acquired

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based on the intermediate frequency signal and the first signal (see column 7 lines 1-15).

As to claim 7, see column 6 lines 40-49.

Allowable Subject Matter

6. Claims 2-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

As to claims 2-4, the prior art of record fail to disclose or render obvious a difference determining unit that determines whether a predetermined threshold is exceeded by a difference of intensity of the demodulated signal having a predetermined time difference to detect noise, wherein the attenuation rate setting unit sets a first attenuation rate for the attenuating unit based on the detection of noise by the difference determining unit, and after a predetermined period has elapsed from the setting, sets a second attenuation rate smaller than the first attenuation rate for the attenuating unit, as specified in claim 2.

As to claims 5-6, the prior art of record fail to disclose or render obvious a noise detecting unit that outputs a noise detection signal based on the second signal and the third signal; and an output controlling unit that inputs the output of the attenuating unit and the demodulated signal to add and output while setting amplification rates of the output of the attenuating unit and the demodulated signal based on the noise detection signal, as specified in claim 5.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nagata (5,390,344); Tsuji (6,665,526) and Nakamura (5,201,062) disclose FM receivers comprising attenuators.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGUYEN VO whose telephone number is (571)272-7901. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nguyen Vo/
Primary Examiner, Art Unit 2618